

Serial No. 09/008,957

Amendment

believes there are no other rejections or objections to the claims.

Remarks

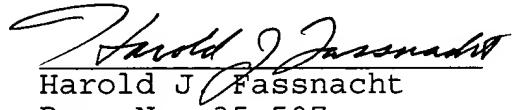
Applicants thank the Examiner for considering Applicants' Amendment after Final Office Action. Included with that Amendment was a Declaration by Dr. Robert Moriarty which provides evidence that Applicants' claimed compound possess a key unexpected property (reduced calcemic activity) amounting to a marked superiority over the prior art compounds. However, the Examiner indicated in her advisory action that "the declaration does not show a statistically significant difference between the prior art compound and the claimed compound." Applicants soon will be submitting a statistical showing that the differences between are in fact statistically significant. Applicants request that an Examination of the Continued Prosecution Application not be conducted until Applicants provide the Examiner with the statistical data the Examiner requested.

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The Examiner also stated that "the prior art teaches $1\alpha(OH)D_4$ and $1\alpha,25(OH)_2 D_4$ which are closer to compounds of claims 2 and 3 than $1\alpha(OH)D_3$ and $1\alpha,25(OH)_2 D_3$ shown in the declaration." In a telephone conversation with the Examiner, Applicants' attorney pointed out that data for $1\alpha(OH)D_4$ does in fact appear in the declaration.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee, addressed to: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231 on February 10, 2000. Express Mail No. EL214997374US.

Mary L. Wunch
Signature

Feb 10, 2000

Date